

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN FLOYD VOSS,)	3:14-cv-00066-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	August 28, 2014
)	
ISIDRO BACA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFFS: Steven Floyd Voss, In Pro Per (Telephonically)

COUNSEL FOR DEFENDANTS: Andrea Barraclough, Esq.

MINUTES OF PROCEEDINGS: Motion Hearing

10:06 a.m. Court convenes.

I. Preliminary Matters

A. Defendants' "Motion to Strike Plaintiff's Judicial Notice (#40/#42)" (Doc. # 46)

Defendants' motion to strike (Doc. # 46) pertains to a judicial notice regarding "Plaintiff's Motion for Summary Judgment" (Doc. # 37) which is no longer before the court and has further been superseded by "Plaintiff's Motion for Partial Summary Judgment, Against Defendant's" Isidro Baca; James (Greg) Cox; E.K. McDaniel; Shannon Moyle; Monica Navarro; Ronald Schreckengost; and Lisa Walsh" (Doc. # 39).

Therefore, Defendant's "Motion to Strike Plaintiff's Judicial Notice (#40/#42) (Doc. # 46) is **DENIED as moot**.

B. Local Rules Regarding Page Limitation

The court notes Plaintiff's partial motion for summary judgment (Doc. # 39) is fifty-nine (59) pages long, not including the exhibits. The court advises Plaintiff that the Local Rules limit filings, not including exhibits, to thirty (30) pages.

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Plaintiff requests permission to exceed the standard page limit as to his partial motion for summary judgment. Plaintiff's oral motion to exceed the page limit is **GRANTED**. In view of the 211 pages of exhibits and 59 pages of argument regarding Plaintiff's partial motion for summary judgment (Doc. # 39), the court cautions Plaintiff it will not favorably receive a request for further permission to exceed the page limit as to his anticipated reply.

II. Defendants' "Rule 56(D) Motion to Defer Consideration of Plaintiff's Partial Motion for Summary Judgment, or In the Alternative to Deny It Without Prejudice" (Doc. # 47)

Deputy Attorney General Andrea Barraclough argues Defendants need to conduct discovery relative to the subjects of Plaintiff's Partial Motion for Summary Judgment (Doc. # 39) in order to adequately respond. Ms. Barraclough represents Defendants seek an additional one month to conduct discovery in order to file its opposition.

Plaintiff objects to any additional time to conduct discovery and argues the court should deny Defendants' request.

Hearing from the parties, the court finds good cause to extend the time in which Defendants have to respond to Plaintiff's motion for partial summary judgment (Doc. # 39).

Therefore, Defendants' "Rule 56(D) Motion to Defer Consideration of Plaintiff's Partial Motion for Summary Judgment, or In the Alternative to Deny It Without Prejudice" (Doc. # 47) is **GRANTED**.

In light of the court granting additional time for Defendants to respond to Plaintiff's partial motion for summary judgment, the "Plaintiff's Motion for Partial Summary Judgment, Against Defendant's" Isidro Baca; James (Greg) Cox; E.K. McDaniel; Shannon Moyle; Monica Navarro; Ronald Schreckengost; and Lisa Walsh" (Doc. # 39) is **DISMISSED without prejudice**. However, Plaintiff's motion will be administratively re-filed by the clerk's office on Tuesday, September 2, 2014. The court explains, Plaintiff does not need to take any action regarding this procedure and that the only difference related to his partial motion for summary judgment is the new filing date.

Defendants' response to Plaintiff's partial motion for summary judgment (Doc. # 39) is due no later than **Monday, October 27, 2014**. Plaintiff shall have up to and including **Friday, November 14, 2014**, to file his reply.

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III. Scheduling Order

The court sets forth the following discovery deadlines:¹

Discovery cut-off: Friday, December 26, 2014;

Amendment to pleadings/parties: Monday, October 27, 2014;

Discovery motions: Thursday, January 8, 2015; and

Dispositive motions: Monday, January 26, 2015.

IV. Defendants' "Motion for Leave to File Confidential Medical Documents In Support of Defendants' Reply Brief Under Seal" (Doc. # 52)

The court finds good cause to maintain Plaintiff's medical records, collectively referred to as Exhibits A-1 through A-3, under seal and shall not available for public review.

Therefore, Defendants' "Motion for Leave to File Confidential Medical Documents In Support of Defendants' Reply Brief Under Seal" (Doc. # 52) is **GRANTED**.

Ms. Barraclough advises the court the Warden's office has received the sealed exhibits and Plaintiff will need to kite the Warden's office (not medical) to review the sealed documents. Ms. Barraclough advises Plaintiff to ensure his kite request includes the instant case number.

The court requests Ms. Barraclough to contact the Warden's office again and coordinate a sufficient, reasonable amount of time for Mr. Voss to review his entire medical file.

V. Plaintiff's "Motion to Strike Defendants' Confidential Exhibits (Docket # 54?), Filed Under Seal, In Support of Defendants' Motion to Defer Consideration of Plaintiff's Motion for Summary Judgment, or In the Alternative to Deny Without Prejudice (Docket # 47)" (Doc. # 57)

The court addresses each of Plaintiff's requests as identified in his motion and orders the following:

(1) In view of the limited amount of pages contained in Defendants' Exhibits A-1 through A-3, it is not necessary nor does the court direct Defendants to file an index as to Exhibits A-1

¹ The court will enter a formal scheduling order forthwith.

By: /s/
Katie Lynn Ogden, Deputy Clerk